



# LEGISLATIVE BRANCH      CITY OF BINGHAMTON

*Teri Rennia, City Council President*  
*Angela Holmes, City Clerk*

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**MINUTES**  
**City Council Business Meeting**  
**Council Chambers, 38 Hawley Street, Binghamton, N.Y.**  
**Wednesday April 17, 2013**

**CALL TO ORDER**

Called to order by Council President Rennia at 6:31pm.

**PLEDGE OF ALLEGIANCE**

Council President Rennia led the Pledge of Allegiance.

**MOMENT OF SILENCE**

Council President Rennia requested all present to stand for a moment of silence in honor of the victims of the bombing at the Boston Marathon in Boston, Massachusetts on Monday April 15, 2013.

**ROLL CALL**

**Present:** Jerry Motsavage, Joseph Mihalko, Teri Rennia, Lea Webb, Chris Papastrat, John Matzo, Bill Berg

**Absent:** None

**Also in attendance:** Kenneth J. Frank, Corporation Counsel; Angela Holmes, City Clerk; Jeremy Pelletier, Deputy City Clerk

**REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES**

Motion to approve the minutes from the City Council Business Meeting held on April 3, 2013.

Moved by Motsavage, seconded by Webb.

**Voice vote, none opposed.**

Motion to approve the minutes from the Planning and Community Development Committee meeting held on April 15, 2013.

Moved by Webb, seconded by Berg.

**Voice vote, none opposed.**

Councilman Motsavage noted for the record that officials from the Village of Johnson City and the City of Binghamton will hold a Joint Work Session on Monday April 22, 2013 at 5:00pm at the Village of Johnson City Hall, 243 Main Street, Johnson City in order to review the Requests for Proposals for the Project Representative and the Construction Administrator/Management Consultant for the Digester Complex Rehabilitation Project. For more information, please contact the City Clerk at [clerk@cityofbinghamton.com](mailto:clerk@cityofbinghamton.com), or the Village Clerk at [tjohnson@villageofjc.com](mailto:tjohnson@villageofjc.com).

**RECOGNITION AND ACKNOWLEDGEMENTS**

Proclamations in honor of the following City of Binghamton employees upon their retirements were read into the record: Edward Zyskowski, II, George McPeck, James Loftus, Kevin Kane and Michael Ferro.



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### **SET PUBLIC HEARING**

The Council of the City of Binghamton will hold a public hearing during the regular City Council Business Meeting held on May 22, 2013 at 6:30pm, concerning "An Ordinance authorizing various amendments to sections 178, 265, and 410 of the Binghamton City Code, regarding Community Food Systems and Livestock". This meeting will be held in the City Council Chambers located at 38 Hawley Street, Binghamton, New York. For more information, please contact the City Clerk by phone at (607) 772-7005, or by email at [clerk@cityofbinghamton.com](mailto:clerk@cityofbinghamton.com).

*Note: Notice of this public hearing will be published in the Press & Sun Bulletin on May 17, 2013.*

Corporation Counsel Kenneth J. Frank noted for the record that, as a point of order, this matter will need to be revisited prior to the end of the meeting.

### **SUSPENSION OF RULES**

Motion to suspend the rules in order to consider Introductory Resolution 13-43 prior to public comment.

Moved by Berg, seconded by Webb.

**Voice vote, none opposed.**

### **Introductory Resolution 13-43, Considered in Employees Committee, Chair: Berg**

A Resolution in honor of the late firefighter John Janos

Motion to approve legislation. Moved by Berg, seconded by Webb.

**Motion carried. Legislation adopted as Permanent Resolution 13-40. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

### **PUBLIC COMMENT/COMMUNICATIONS**

Sharon Nieminski, Allam Afify, Jack Sheehan, Debra Hogan, Ralph Bodnar, Rich David, Mary Webster<sup>1</sup>, Janet McHenry<sup>2</sup>, Leah Gorman<sup>3</sup>, Amy Shapiro<sup>4</sup>

<sup>1</sup>*Note: Mary Webster submitted the following email to the City Clerk's Office on April 17, 2013. The original email is attached to these minutes.*

Dear City Council Members,

I spoke at your April 3 Business Meeting about the importance of rental registration, and I would like to reiterate my strong support for this legislation. Requiring single family homes that are not owner-occupied to be registered as well is an excellent addition. The deteriorating housing stock is a mounting problem in our neighborhoods, and this legislation is an important first step in reversing that dangerous trend.

All the best,

Mary Webster

Please read my comments into the record. Thank you.



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<sup>2</sup>*Note: Janet McHenry submitted the following email to the City Clerk's Office on April 17, 2013. The original email is attached to these minutes.*

I am unable to attend this evenings meeting but have been following this issue for a while. I understand that there has been a last minute offer from Lane for this property which is for an amount greater than OFB had bid. However, I feel it is in the best interest for the city to accept the bid from OFB. The programs they plan to offer will benefit many individuals and was presented in good faith and by all deadlines set by the City.

Risking losing their bid in hopes that the new bid from Lane comes to fruition is not a gamble we should take. The council members who are planning to vote against the OFB proposal should be ready to put their \$\$ on the line to purchase the building themselves should the OFB bid be defeated and Lane's bid fall through. We need to get this building back into use ASAP.

Thank you.

Janet McHenry  
22 Cary St.  
Binghamton, NY

<sup>3</sup>*Note: Leah Gorman submitted the following letter to the City of Binghamton on April 15, 2013. The original email is attached to these minutes.*

I am very concerned reading about the Binghamton City Council and residents' arguments for and against the selling of the Greenman Senior Center building to Opportunities for Broome.

What you have now is an empty, broken, decaying building that pays no taxes and will cost a lot to repair. No one since November 2011 has expressed an interest in buying the building other than OFB. The group would turn it into a commercial kitchen training center, which is a wonderful idea. It will put people to work and give others job training.

To me, it sounds like local politics are just like national politics. If a Democrat suggested this and you're a Republican, vote no. It would probably work the other way also. For once, could we think of the good of the community? City Council members should vote yes to selling the building to OFB on April 3.

Leah Gorman  
Binghamton

<sup>4</sup>*Note: Amy Shapiro submitted the following letter to the City of Binghamton on April 17, 2013. The original email is attached to these minutes.*

Dear Clerk,

Could you please read these following into the record at tonight's City Council meeting?

I testified in support of rental registration at the public hearing, and I am writing to again reiterate [sic] my support of this important legislation. The citizens of Binghamton should not be at the mercy of landlords who do not keep up their properties. This is harmful to renters and neighbors alike, and leads to blight that erodes the tax base of the City and the morale and well-being of its residents. Please take this first step of requiring landlords to identify themselves and provide basic information.



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Thank you.

Amy Shapiro  
123 Leroy St.  
Binghamton, NY 13905

### **POINT OF ORDER**

Corporation Counsel Kenneth J. Frank noted for the record that the zoning change involved in "An Ordinance authorizing various amendments to sections 178, 265, and 410 of the Binghamton City Code, regarding Community Food Systems and Livestock" (i.e. Community Food System Zoning Amendment) was reviewed by the City Council Planning Committee. The Planning Committee referred this matter to the Planning Commission for review. The Planning Commission is required, by law, to review such zoning change. However, the Planning Committee, instead of City Council as a whole, referred the matter to the Planning Commission. Corporation Counsel Frank noted for the record that the State Environment Quality Review Act (SEQRA) process should have started prior to the referral. Corporation Counsel Frank recommended that City Council should at this time declare the City of Binghamton as lead agency for this project.

Motion to declare the City of Binghamton as lead agency for the Community Food System Zoning Amendment.  
Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

Corporation Counsel Frank further noted for the record that the City of Binghamton must formally declare the Community Food System Zoning Amendment as a Type I Action, in accordance with the SEQRA. A Full Environmental Assessment Form (EAF) has been submitted.

Motion to declare the Community Food System Zoning Amendments as a Type I Action, in accordance with the SEQRA and the Full Environmental Assessment Form (EAF).

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

Corporation Counsel Frank noted for the record that as the Community Food System Zoning Amendment has been declared as a Type I Action, the City is required to conduct public scoping, to determine public views on the impact of this matter. The public hearing which City Council seeks to set will satisfy the need for a public hearing for scoping, and may possibly be used as the public hearing necessary for adoption of legislation, depending on public input.

Council President Rennia noted that the legislation has not yet been signed out of committee, but that the public hearing would be set at this time to properly advertise the legislation, and that it is anticipated that City Council will sign the legislation out of committee prior to the Business Meeting on May 22, 2013.

Corporation Counsel Frank stated that the public hearing for scoping is to solicit public opinion on the environmental impacts of this legislation, should take place at the Business Meeting on May 22, 2013 whether or not the legislation has been signed out of committee.

City Clerk Angela Holmes re-set the public hearing for the record, as outlined below:



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*Note: Notice of this public hearing will be published in the Press & Sun Bulletin on May 17, 2013.*

## **SECOND READING LEGISLATION**

### **Introductory Ordinance 13-22, Considered in Planning & Community Development, Chair: Webb**

An Ordinance authorizing the sale of 37 Pine Street (Greenman Senior Center) to Opportunities for Broome for \$75,000

*Note: Notice of the public hearing was published in the Press & Sun Bulletin on March 15, 2013. Public hearing occurred at the Business Meeting held on March 20, 2013. First reading legislation occurred at the Business Meeting held on April 3, 2013.*

1. Motion to approve legislation.  
Moved by Webb, seconded by Motsavage.
2. Councilman Mihalko requested approval to abstain from voting on this legislation, due to a personal conflict.  
Motion to allow Councilman Mihalko to abstain from voting on Introductory Ordinance 13-22.  
Moved by Matzo, seconded by Papastrat.  
**Voice vote, none opposed.**
3. As Councilman Mihalko abstained from voting on this legislation, his name was removed from the sponsor list. The remaining names on the sponsor list neither constituted a majority of the committee in which the legislation was considered, nor a majority of City Council as a whole. As a result, the legislation was considered withdrawn.  
**Legislation withdrawn.**
4. Councilman Berg agreed to add his name to the sponsor list of the legislation, resulting in sponsorship of the legislation from the majority of the City Council Planning & Community Development Committee. The legislation was placed on the agenda once more.
5. Motion to approve legislation.  
Moved by Webb, seconded by Motsavage.  
**Motion failed. Legislation defeated. (Vote 4-2-1)**  
Ayes: Motsavage, Rennia, Webb, Berg  
Nays: Papastrat, Matzo  
Abstain: Mihalko

## **FIRST READING LEGISLATION**

### **Introductory Ordinance 13-28, Considered in Planning & Community Development, Chair: Webb**

An Ordinance amending Chapter 265-6, Rental Registration

*Note: Notice of this public hearing was published in the Press & Sun Bulletin on March 28, 2013. Public hearing occurred at the Business Meeting held on April 3, 2013.*

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Ordinance 13-27. (Vote 7-0)**



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Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

**Introductory Ordinance 13-29, Considered in Planning & Community Development, Chair: Webb**

An Ordinance authorizing the sale of a portion of 37 Locke Drive to Rosalba Giammarino for \$200  
Motion to approve legislation. Moved by Webb, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Ordinance 13-28. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

**Introductory Ordinance 13-30, Considered in Planning & Community Development, Chair: Webb**

An Ordinance authorizing various amendments to Chapter 18 of the Code of the City of Binghamton, regarding the Commission on Architecture and Urban Design's approval procedures  
Motion to approve legislation. Moved by Webb, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Ordinance 13-29. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

**Introductory Resolution 13-40, Considered in Finance, Chair: Webb**

A Resolution authorizing the Mayor to enter into an agreement with YWCA of Binghamton/Broome County for the use of fiscal year 35 Emergency Shelter Grants funding in an amount not to exceed \$36,095  
Motion to approve legislation. Moved by Webb, seconded by Berg.

**Motion carried. Legislation adopted as Permanent Resolution 13-41. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

**Introductory Resolution 13-41, Considered in Finance, Chair: Webb**

A Resolution authorizing the Mayor to enter into an agreement with Volunteers of America for the use of fiscal year 35 and fiscal year 36 Emergency Shelter Grants funding in an amount not to exceed \$33,000.  
Motion to approve legislation. Moved by Webb, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Resolution 13-42. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

**Introductory Resolution 13-42, Considered in Planning & Community Development, Chair: Webb**

A Resolution authorizing the Binghamton Hospitality & Conference Center, LLC to grant an easement to 221 Washington Street, LLC for emergency pedestrian ingress and egress over "Parcel Two"  
Motion to approve legislation. Moved by

**Motion carried. Legislation adopted as Permanent Resolution 13-43. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

**COMMUNICATIONS FROM COUNCIL MEMBERS**

Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg, Rennia



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### **ADJOURNMENT**

Motion to adjourn at 8:44pm.

Moved by Webb, seconded by Papastrat.

**Voice vote, none opposed.**